

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 29, 1998

DIVISION ONE

B109044 Sully-Miller Contracting Co. (Not for Publication)
 v.
 Kasler Corporation et al.

The judgment is affirmed. Blue Diamond is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B109739 James H. Zellers (Certified for Publication)
 v.
 Playa Pacifica, Ltd.

The judgment is affirmed. Playa Pacifica is awarded its costs of appeal.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
 Masterson, J.

B109620 City of Alhambra (Certified for Publication)
 v.
 PJB Disposal Co.

The judgment is affirmed. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

January 29, 1998-Continued

DIVISION ONE (Continued)

B109553 Ford (Not for Publication)
v.
Gold

The judgment is affirmed. Gold is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B111669 People (Not for Publication)
v.
Anguiano

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B115830 Moreno, et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Kaiser Foundation Hospitals, et al., r.p.i.)

The petition is denied. The parties are to pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

January 29, 1998-Continued

DIVISION ONE (Continued)

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The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION TWO

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B110573 People v. Johnson
B111105 People v. Calderon
B110763 People v. Hartman
B107009 People v. Jenkins
B106856 People v. Brooks
B113402 People v. Lemon
B111731 People v. Venson
B103968 People v. Bell
B106770 Beitler v. Gersh Agency
B112562 People v. Maurice R.
B108419 People v. Murphy
B110598 People v. Wilson
B114573 People v. Luzmit G.
B112799 People v. Moreno
B111967 People v. Miguel S.
B111017 People v. Valenzuela
B109346 People v. Donald W.
B112094 Matter of Benjamin C.
B111002 People v. Williams
B117385 Kaweadie C. v. Sup. Ct.
B110808 People v. Pollard

DIVISION TWO (Continued)

Each of the following (cont'd.):

B108721 People v. Popielski
B107288 People v. Garcia
B105989 People v. Kongs]
B110976 People v. Madison
B108730 People v. Lee

Argument waived, cause submitted.

B112117 People
 v.
 Gonzalez

Merits:

Argued by Ruth Wei, Deputy Attorney General for respondent and by
Margo Thole for appellant. Cause submitted.

B103275 People
 v.
 Howard

Merits:

Argued by Victoria Bedrossian, Deputy Attorney General for respondent
and by Laurie Buchan for appellant. Cause submitted.

B105452 Burrell
 v.
 Markowitz

Merits:

Argued by Jerome Zamos for appellant and by Bruce Miller for respondent.
Cause submitted.

DIVISION TWO (Continued)

B112532 Braud

v.

DWD-Detroit Assoc.

Merits:

Argued by Lisa Maki for appellant and by Mark Herskovitz for respondent.
Cause submitted.

B109104 Mabie

v.

Hyatt

Merits:

Argued by Michael Robinson for appellant and by John Caron for respondent. Cause submitted.

B108517 Robert Kennedy Medical Center

v.

State Department of Health Services

Merits:

Argued by Patric Hooper for appellant and by Karen Fried, Deputy Attorney General for respondent. Cause submitted.

B110061 Pacific Freeholds

v.

MSA Industries, Inc.

Merits:

Argued by Charles Wolff for respondent and by Stephen Webb for appellant. Cause submitted.

DIVISION TWO (Continued)

B106735 Olsen
 v.
 Board of Psychology

Merits:
Argued by Timothy Murphy for appellant and by Carlos Ramirez for respondent. Cause submitted.

B101573 Comedy III Productions
 v.
 Hanky

Merits:
Argued by Bela Lugosi for respondent and by Lynda Goldman for appellant. Cause submitted.

Court recessed.

The Court reconvened at 1:00 P.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and J. Chlanda, Deputy Clerk.

B105901 Nationwide Business Telephones
 v.
 Pacific Bell, Inc.

Merits:
Argued by Sidney Lanier for appellant and by Bart Kimball for respondent. Cause submitted.

B100424 Bontempo
 v.
 Builders Emporium

Merits:
Argued by Michael Portner for respondent and by Timothy Rivers for respondent. Cause submitted.

DIVISION TWO (Continued)

B114696 Cabe
 v.
 Superior Court, L.A. County
 (People, r.p.i.)

Merits:

Argued by Alex Ricciardulli, Deputy Public Defender for petitioner and by Moira Curry, Deputy District Attorney for real party in interest. Cause submitted.

B109433 Shafer
 v.
 Pranevicius

Merits:

Argued by Rex Heinke for respondent and by Carol Anderson for appellant. Cause submitted.

B109049 Young Womens Christian Assoc.
 v.
 Allianz Insurance

Merits:

Argued by Douglas Beck for respondent and by Christopher Grivakes for appellant. Cause submitted.

B113468 Greene
 v.
 State Compensation Insurance Fund

Merits:

Argued by Rebecca Weinstein for appellant and by William Hale for respondent. Cause submitted.

Mr. Justice Zebrowski leaves the bench.

DIVISION TWO (Continued)

B107525 Hedging Concepts, Inc.
 v.
 First Alliance Mortgage Co.

Merits:
Argued by James Stillman for respondent and by James Goff for appellant.
Cause submitted.

B113307 Bowen
 v.
 Folwell

Merits:
Argued by Marilyn Scheer for appellant and by Mary Gillick for
respondent. Cause submitted.

B109778 Oviatt
 v.
 Long Beach Savings Bank

Merits:
Argued by Kenneth Sidle for respondent and by Geoffrey Bogeaus for
appellant. Cause submitted.

B103311 Oviatt
 v.
 Long Beach Savings Bank

Merits:
Argued by Kenneth Sidle for respondent and by Long Beach Savings Bank
for appellant. Cause submitted.

Court adjourned.

DIVISION TWO (Continued)

B107474 Bourbour (Not for Publication)

v.
Tajaddodi

The orders appealed from are reversed. The matter is remanded for proceedings consistent with this opinion. Each side to bear its own costs on appeal.

Zebrowski, J.

We concur: Fukuto, Acting P.J.
 Nott, J.

B111124 People (Not for Publication)

v.
Mercurius

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

B089886 C.A. Rasmussen Co. (Not for Publication)

v.
Canyon Country Enterprises, Inc.

The judgment is affirmed. Each party to bear own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION THREE (Continued)

B111876 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Alicia R. & Roger S.

The order of May 1, 1997 terminating mother's and father's parental rights is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B108060 People (Not for Publication)
 v.
 Rubi

The case is remanded for the trial court to stay the sentence either for the kidnapping for sexual purposes or the assault with intent to commit a felony. In all other respects, the judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Baron, J.

B116329 Deidra L. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Department of Children and Family Services, r.p.i.)

The petition for a writ of mandate is denied.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Hastings, J.

January 29, 1998-Continued

DIVISION FOUR (Continued)

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The judgment is modified as to the damages for breach of lease, reducing the amount of damages owed by appellant to Garber by the \$58,000 surplus Garber received from the asset sale, and further modified to limit that award to Garber and not to VPI. The judgment is reversed insofar as it awards Garber \$75,000 for money lent. In all other respects, the judgment is affirmed. Appellant is to have his costs on appeal.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

DIVISION SIX

[illegible]

The trial court's order is affirmed. Respondent is awarded his costs on appeal.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.